

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0620

House Bill No. 1416

by deleting all language after the enacting clause of the printed bill as amended and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-102, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, is amended by adding the following new section:

Section 36-6-105. Child Custody. In a suit for annulment, divorce, separate maintenance, or in any other proceeding requiring the court to make a custody determination regarding a minor child, such determination shall be made upon the basis of the best interest of the child. The court shall consider all relevant factors including the following where applicable:

(1) The love, affection and emotional ties existing between the parents and child;

(2) The disposition of the parents to provide the child with food, clothing, medical care, education and other necessary care and the degree to which a parent has been the primary caregiver;

(3) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

(4) The stability of the family unit of the parents;

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(5) The mental and physical health of the parents;

(6) The home, school and community record of the child;

(7) The reasonable preference of the child if fourteen (14) years of age or older. The court may hear the preference of a younger child upon request. The preferences of older children should normally be given greater weight than those of younger children;

(8) Evidence of physical or emotional abuse to the child, to the other parent or to any other person; and

(9) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 6, is amended by renumbering the current Section 36-6-301 as Section 36-6-302 and adding the following new section:

Section 36-6-301. Visitation. After making an award of custody, the court shall, upon request of the non-custodial parent, grant such rights of visitation as will enable the child and the non-custodial parent to maintain a parent-child relationship unless the court finds, after a hearing, that visitation is likely to endanger the child's physical or emotional health. If the court finds that the non-custodial parent has physically or emotionally abused the child, the court may

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require that visitation be supervised or prohibited until such abuse has ceased or until there is no reasonable likelihood that such abuse will recur. The court may not order the department of human services to provide supervision of visitation pursuant to this section except in cases where the department is the petitioner or intervening petitioner in a case in which the custody or guardianship of a child is at issue.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.